ACCEPTED/FILED

Before the Federal Communications Commission Washington, D.C. 20554

MAY 1 2 2015

Federal Communications Commission Office of the Secretary

No. of Copies rec'd_ List ABCDE

In the Matter of) EB Docket No. 03-152				
WILLIAM L. ZAWILA	Facility ID No. 72672				
Permittee of FM Station KNGS, Coalinga, California					
AVENAL EDUCATIONAL SERVICES, INC.	Facility ID No. 3365				
Permittee of FM Station KAAX, Avenal, California	Facility ID No. 9993				
CENTRAL VALLEY EDUCATIONAL)					
SERVICES, INC.	DOCKET FILE COPY ORIGINAL				
Permittee of FM Station KAJP, Firebaugh, California	Facility ID No. 22030				
H. L. CHARLES D/B/A FORD CITY BROADCASTING					
Permittee of FM Station KZPE, Ford City, California	Facility ID No. 37725				
LINDA WARE D/B/A LINDSAY BROADCASTING	racinty ID No. 37723				
Licensee of FM Station KZPO, Lindsay, California	File No. BR-19970804YJ				
WESTERN PACIFIC BRAODCASTING, INC.	Facility ID No. 71936				
For Renewal of License for AM Station KKFO, Coalinga, California					
To: Marlene H. Dortch, Secretary					

Attn: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU'S COMMENTS PURSUANT TO ORDER, FCC 15M-11

1. On March 19, 2015, the Presiding Judge ordered Messrs. Zawila and White to submit evidence that establishes the owners, officers, and any other individuals who control the operations of Avenal Educational Service, Inc. (Avenal), which is the permittee of FM stations KAAX, and of Central Valley Educational Services, Inc. (Central Valley), which is the permittee of FM station KYAF (formerly KAJP). The Presiding Judge also ordered Mr. Zawila to submit evidence demonstrating that he is authorized to serve as counsel for, or otherwise represent, Avenal or Central Valley if he is not an owner, officer or individual who controls their operations. The Presiding Judge allowed the Enforcement Bureau (Bureau) the opportunity to submit additional information concerning the control of Avenel and Central Valley, as well as to respond to the evidence submitted by Messrs. Zawila and White. The Chief, Enforcement Bureau, by his attorneys, herein submits the Bureau's comments in response to Messrs. Zawila's and White's fillings.

The Authorizations For Stations KAAX (FM) and KYAF (FM) Should Be Cancelled Because Avenal and Central Valley Were Not Qualified At The Time Of Their Applications

2. In accordance with the Presiding Judge's *Order*, Messrs. Zawila and White each submitted pleadings purporting to establish their ownership and/or authorization to control

¹ See Order, FCC 15M-11 (ALJ, rel. Mar. 19, 2015).

² See id. at 2.

³ On April 3, 2015, counsel for Mr. White (and Avenal and Central Valley) filed a motion for extension of time to respond to the Presiding Judge's *Order*, FCC 15M-11, until May 4, 2015. *See* Motion for Extension of Time, filed Apr. 3, 2015. Counsel proposed that any responsive filings be due Monday, May 11, 2015. *See id.* The Bureau did not oppose this request for an extension, but respectfully requested that its responsive pleading be due on May 12, 2015, which would provide the Bureau with the same six business days to respond as is set forth in *Order*, FCC 15M-11. In the absence of any further instruction from the Judge, the Bureau has acted in accordance with the timeline it proposed.

Avenal and Central Valley.⁴ Upon review of these materials, the Bureau discovered that neither Avenal nor Central Valley was qualified to hold the permits for Stations KAAX (FM) or KYAF (FM) at the time they submitted their respective applications. As the Bureau explained in earlier filings – and as is substantiated by the Commission's Consolidated Database System (CDBS) – Stations KAAX (FM) and KYAF (FM) are non-commercial educational (NCE) stations.⁵ As such, these Stations are governed by Section 73.503 of the Commission's rules (Rules),⁶ which in pertinent part sets forth that "a noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program." It is well-established that an applicant for an NCE FM station, such as those governed by Section 73.503 "must certify its eligibility to own and operate such station at the time it files its application." Indeed, such applicants must "be incorporated or otherwise organized in a form recognized under state law at the time of filing" in order to qualify for the NCE FM license.⁹ Mr. Zawila and Mr. White both assert that

⁴ See, e.g., [Zawila's] Status Report Regarding Verne J. White and Ownership and Control of KAAX and KYAF (Formerly KAJP), filed Apr. 7, 2015 (Zawila's Status Report); [White's] Evidence Regarding Ownership, filed May 4, 2015 (White's Status Report).

⁵ See, e.g., Enforcement Bureau's Status Report, filed Nov. 7, 2014, at 2 (EB's Status Report).

⁶ See 47 C.F.R. § 73.503.

⁷ Id. at § 73.503(a).

⁸ Hammock Environmental and Educational Community Svcs., 25 FCC Rcd 12804, 12807 (Sept. 10, 2010) (emphasis added) (citation omitted).

⁹ In the Matter Of Applications For Review of Decisions Regarding Six Applications For New Low Power FM Stations, Memorandum Opinion and Order, 28 FCC Rcd 13390, 13394 (Aug. 23, 2013); see In the Matter of Hope Radio of Rolla, Inc., Memorandum Opinion and Order, 28 FCC Rcd 7754, 7754 (May 14, 2013) (recognizing that to be eligible to hold an authorization for an NCE service, the applicant "must be a public agency or non-profit private foundation, corporation, or association that is recognized by the laws of the state in which it proposes to operate at the time it submits its application"); In the Matter of WTL Communications, Inc., Memorandum Opinion and Order, 23 FCC Rcd 2475, 2478 (Feb. 8, 2008) (dismissing application for NCE station because the applicant was not incorporated as of the date on which it filed its application); In the Matter of Sonido Internacional Cristiano, Inc., Memorandum Opinion and Order, 23 FCC Rcd 2444, 2448-49 (Feb. 8, 2008) (dismissing application for NCE station because the application was not incorporated as of the date on which it filed the application).

Avenal and Central Valley are California corporations.¹⁰ As such, for either of these entities to have qualified for NCE FM licenses, they must have been organized in a form recognized under California law at the time they filed their respective applications for Stations KAAX (FM) and KYAF (FM). The record plainly shows they were not.

Neither Mr. Zawila nor Mr. White dispute that Avenal filed its application for NCE Station KAAX (FM) in 1989. 11 However, it appears that Avenal was not incorporated until 10 years later, in 1999. As part of Mr. Zawila's submission, he included Avenal's Articles of Incorporation, which are dated January 22, 1999.¹² Under California law, a corporation's existence begins when its articles of incorporation are filed with the Office of the Secretary of State. 13 Indeed, a copy of the articles of incorporation, duly certified by the Office of the California Secretary of State, is usually conclusive evidence of the formation of the corporation and prima facie evidence of its corporate existence. 14 Therefore, Avenal would not have been recognized as organized under California law until January 22, 1999, at the earliest. Indeed, Mr. White admits that Avenal was not incorporated until March 5, 1999. 15 Thus, Avenal was not incorporated or otherwise organized in a form recognized under California law at the time it filed its application for NCE Station KAAX (FM) and thus was not a qualified applicant under Section 73.503(a) of the Commission's rules. As a result, the Presiding Judge should cancel Avenal's authorization for KAAX (FM) (and dismiss any underlying applications) and remove this Station (and Avenal) from the above-captioned matter. In the alternative, the Presiding

¹⁰ See, e.g., Zawila's Status Report at Exhibit 4 at 3-4; White's Status Report at Declaration of Verne J. White at 1-2 and Attachments C and G, thereto.

¹¹ See, e.g., Zawila's Status Report at Exhibit 1, ¶ 2; White's Status Report at Declaration of Verne J. White at 2.

¹² See Zawila's Status Report at Exhibit A to Exhibit 4, thereto, entitled "Articles of Incorporation of Avenal Educational Services, Inc."

¹³ See Cal. Corp. Code §§ 200 (a), (c); 7120.

¹⁴ See Cal. Corp. Code § 209.

¹⁵ See White's Status Report at Declaration of Verne J. White at 2 and Attachment G, thereto.

Judge should refer this authorization to the Media Bureau for cancellation and/or dismissal.

4. The same holds true for NCE Station KYAF (FM). Both Mr. Zawila and Mr. White assert that Central Valley filed its application for NCE Station KYAF (FM) on October 17, 1998. The Commission's records confirm that Central Valley's application was received by the Commission on this date. However, here again, the record reflects that Central Valley was not recognized as a California corporation until many years later. Specifically, Mr. Zawila's submission includes Central Valley's Articles of Incorporation which are dated January 26, 2001. Moreover, Mr. White confirms his understanding that Central Valley was incorporated in California on January 29, 2001. Thus, as with Avenal discussed above, Central Valley was not incorporated or otherwise organized in a form recognized under California law at the time it filed its application for NCE Station KYAF (FM) and thus was not a qualified applicant under Section 73.503(a) of the Commission's rules. As a result, the Presiding Judge should also cancel Central Valley's authorization for KYAF (FM) (and dismiss any underlying applications) and remove this Station (and Central Valley) from the above-captioned matter, or, in the alternative, refer this authorization to the Media Bureau for cancellation and/or dismissal. However, applications are called the same of the Media Bureau for cancellation and/or dismissal.

Stations KAAX (FM) and KYAF (FM) Should Be Removed From This Proceeding On Other Grounds

5. As discussed above, pursuant to the *Order*, FCC 15M-11, Messrs. Zawila and White each submitted pleadings purporting to establish their ownership and/or authorization to

¹⁶ See Zawila's Status Report at Exhibit 1, ¶ 2; White's Status Report at Declaration of Verne J. White at 1.

¹⁷ See original application for NCE station KYAF, dated October 13, 1998, submitted by Central Valley, attached hereto as Exhibit 1.

¹⁸ See Zawila's Status Report at Exhibit A to Exhibit 4, thereto, entitled "Articles of Incorporation of Central Valley Educational Services, Inc."

¹⁹ See White's Status Report at Declaration of Verne J. White at 1 and Attachment C, thereto.

²⁰ To the extent Avenal and Central Valley (or Mr. Zawila on their behalf) intentionally misrepresented their status under California law when they filed their applications, it may form an additional basis upon which to question their basic qualifications to hold Commission licenses.

control Avenal and Central Valley. 21 Neither pleading, however, appears to affirmatively establish the ownership and/or control of these companies, and the Commission's records fail to provide any greater illumination on the question. Indeed, the Commission's records can confirm only that Mr. Zawila represented himself on numerous occasions as authorized to act on behalf of Avenal and Central Valley, 22 that certain documents are addressed to what Mr. White suggests is his home address;²³ and that Mr. White has challenged Mr. Zawila's purported authority in filings before the Commission.²⁴ In addition, Messrs. Zawila's and White's submissions are both supported by self-serving declarations concerning Avenal and Central Valley's corporate actions and the various iterations of the companies' boards of directors which the Bureau cannot substantiate.²⁵ Although counsel for Mr. White suggests that the Presiding Judge allow limited discovery to investigate the statements made in these declarations, ²⁶ the Bureau opposes this request. It is the Bureau's belief that factual questions concerning Avenal and Central Valley's corporate control are better resolved outside the context of this proceeding, either between the parties or in a California court. Such questions are tangential at best to the qualification issues set forth in the Order To Show Cause, Notice of Opportunity For Hearing, and Hearing Designation Order (HDO)²⁷ and to engage in even limited discovery in an effort to untangle the corporate maneuverings of these two companies would unnecessarily delay resolution of the

²¹ See supra note 1.

²² See, e.g., File Nos. BAPED-20150403ABF and BAPED-20150403ABD, located in the Commission's CDBS.

²³ See, e.g., File Nos. BPED-19890320MB, BMPED-19940913JA, BMPED-19960826IA, BPED-19971112JA, BPED-19881017MD, BMPED-19971024IC, located in the Commission's CDBS.

²⁴ See In re Avenal Educational Services, Inc. and Lazer Broadcasting Corp, File No. BAPED-20040217AEG and Central Valley Educational Services, Inc. and Lazer Broadcasting Corp, File No. BAPED-20040217AEH, Informal Objection (July 7, 2004) and Joint Response To Informal Objection (July 2004), each of which are located in the Commission's CDBS.

²⁵ See, e.g., Zawila's Status Report at Exhibits 1-3; White's Status Report at Declaration of Verne J. White.

²⁶ See White's Status Report at 4-5.

²⁷ See In re Zawila, Order To Show Cause, Notice of Opportunity For Hearing, and Hearing Designation Order, 18 FCC Rcd 14938 (Jul. 16, 2003).

underlying issues. Accordingly, the Bureau recommends that the Presiding Judge remove the authorizations for Stations KAAX (FM) and KYAF (FM) from this hearing proceeding until such time as Messrs. Zawila and White reach a final resolution of their corporate disputes.

The Bureau's Recommendation For Moving This Case Forward

6. Should the Presiding Judge agree to remove the authorizations for Stations KAAX (FM) and KYAF (FM) from this proceeding on either ground suggested above, it would leave only three stations at issue – KNGS (FM), KZPE (FM), and KZPO (FM).²⁸ These three Stations are subject to assignment applications currently pending before the Commission in which Mr. Zawila relies on a purported minority distress sale policy as an exception to the Commission's general policy against the transfer of a license in the face of unresolved questions about a licensee's basic character qualifications to hold a license.²⁹ It was on the basis of this purported minority distress sale policy that the then-presiding officer stayed this proceeding before discovery was served. However, to the extent any such minority distress sale policy existed in the past, it no longer offers Mr. Zawila any exception to the Commission's *Jefferson Radio* policy. Accordingly, the Bureau respectfully requests that the Presiding Judge lift the stay currently in place so that discovery may begin. The Bureau agrees to work with Mr. Zawila to negotiate a proposed discovery and pre-hearing schedule to be filed (hopefully, jointly) within two weeks of any order lifting the stay.

²⁸ As the Bureau noted in its November 7, 2014 Status Report, the then-presiding officer (Judge Arthur Steinberg) issued an order on December 11, 2003, dismissing the license renewal application of Western Pacific Broadcasting, Inc. for Station KKFO(AM) and removing Station KKFO (AM) from the caption of this proceeding. *See* EB's Status Report at 3 (citing *Order*, FCC 03M-55 (ALJ, rel. Dec. 11, 2003)).

²⁹ See Jefferson Radio Company v. FCC, 340 F.2d 781 (D.C. Cir. 1964).

Conclusion

7. For the foregoing reasons, therefore, the Bureau respectfully requests that the Presiding Judge enter an order cancelling the authorizations for Stations KAAX (FM) and KYAF (FM) (and dismissing any underlying applications) and removing these Stations (and Avenal and Central Valley) from this proceeding. In the alternative, the Bureau respectfully requests that the Presiding Judge enter an order referring the authorizations for Stations KAAX (FM) and KYAF (FM) to the Media Bureau for cancellation and/or dismissal. In addition, the Bureau respectfully requests that the Presiding Judge enter an order lifting the current stay of this proceeding so that the parties can proceed with discovery and pre-hearing preparation.

Respectfully submitted,

Travis LeBlanc Chief, Enforcement Bureau

/s/ Judy Lancaster

Judy Lancaster Attorney Investigations and Hearings Division Enforcement Bureau Federal Communications Commission 445 12th Street SW, Room 4-C330 Washington, D.C. 20554 (202) 418-1420

Pamela S. Kane Special Counsel Investigations and Hearings Division Enforcement Bureau Federal Communications Commission 445 12th Street SW, Room 4-C366 Washington, D.C. 20554 (202) 418-1420

EXHIBIT 1

William L. Zawila

UCT 17 1 20 AM '88

DIVISION

GARDEN GROVE, CALIFORNIA 92640 (714) 636-5040

October 13, 1988

RECEIVED BY

UUI 1 7 1988

MAIL BRANCH

Secretary Federal Communications Commission 1919 "M" Street, N.W. Washington, D.C. 20554

Re: Enclosed Application for a New FM Station at Firebaugh, CA

Secretary:

Enclosed for filing with the Commission is an original and two copies of an application for a new educational FM station at Firebaugh, California.

Please contact this office if you need further information in this matter.

WLZ/ff encls (3) Very truly yours,

WILLIAM L. ZAWILA

Attorney For Central Valley Educational Services, Inc.

RECEIVED

OCT 1 7 1988

FIVI ENAMINERS

103.1MHZ
BPEC -881017MD NEW
FIREBAUGH CA
CENTRAL VALLEY EDUC SERVICES, INC.

APPLICATION FOR CONSTRUCTION PERMIT FOR NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

NONCOMMERCIAL EDUCATIONAL BROADCAST STATION
(Carefully read instructions before filling out Form—RETURN ONLY FORM TO FCC)

File No. XX () () ()

= •	Code: 31	
Section I ORIGINAL G	General Information PN 15/26	
Name of Applicant	Street Address	
Central Valley Educational Services, Inc.	[1,2,5,5,0, Br,ook,hu,rs,t, St,ree,t] Suite A	لــا
City	State ZIP Code Telephone No.	
Garden Grove	CA 92640 (Include Area Co	ide)
Send notices and communications	s to the following named person at the address below:	
Name	Street Address	
WILLIAM L. ZAWILA Attorney at Law	Ll121515101 Birioloikihuurisiti iSitirieleit Suite A	ப
City	State ZIP Code Telephone No.	
Giairidieini iGirioiviei	C ₁ A 9 ₁ 2 ₁ 6 ₁ 4 ₁ 0 - (Include Area Co	VI (S. 111.50).
(a) Channel No or Frequency: 276-A 103.	(b) Community of license: City Si	tate
9 2		[A]
(c) Check one of the following boxes:		
Application for new station Major Change in Existing statio Minor Change in Existing statio Modification of Construction Pe Amendment to Pending Applica	ion; call sign:	
those other portions of the form that contain the amen		!
 Is this application mutually exclusive with a renewal application. 	cation?	
□ YES □ NO		
If Yes, State: Call letters:	Community of license:	
	City	tate
	J <u> </u>	لــا
		C 340 1985

Se	ction	ı,II ,			Legal Qua	ifications					
NI	ırne	of Applicant	Central	Valley	Educational	Services,	Inc.				
					· · · · · · · · · · · · · · · · · · ·		-			+	
1	(a)	Applicant is	: (Check one b	ox below)							
		a general pa	rtnership operat	ing on a non	profit basis	🖾 a nonpro	ofit corporation				
		a limited par	tnership operat	ing on à nonp	profit basis	Other (s)	pecify)				
		a governmen	ntal or public ed	ucational age	ency or institution	200 201 (Assignation Development	nacyclor Produc	•			
					ociation or a legal enti , describe in Exhibit N		ership, nonprofit corporation, of the applicant.	orag	overni	nent	al or
	(b)	statute or a	ny other docum	ent which wo	ould restrict the applic	ant in advancing an	hip agreement, charter, educational program or Act of 1934, as amended.		YES	网	NO
		If Yes, prov	ide particulars	s Exhibit No.							
	(c)	Does the ap	oplicant certify	hat copies of	all pertinent docume	nts set out in (b) are	in the public inspection file?	×	YES		NO
			Exhibit No. A			used for the advance	ement of an educational progr	am. Th	nis doe	s no	ot
					Citizenship And Othe	r Statutory Requirer	ments			I	
2	• (a)				provisions of Section 3 and Foreign government		cations Act of 1934, as	赵	YES	D	NO
	(b)	0 000			struction, purchase or s controlled by aliens,		ition be provided by		YES	23	NO
						ı					
		If yes, prov	ide particulars	as Exhibit No							
						N. S.					
3	(а	or administ	trative body as to brought under	to the applica the provision	int or any party to the	application in any c the following subje	ects:	177	1	iroi	
		Any felony	, antitrust, unfai	r competition	n, fraud, unfair labor p	ractices or discrimin	nation?	L	YES	М	NC
	(b) is there no referred to	Commence of the Commence of th	y court or ad	iministrative body any	proceeding involvin	ng any of the matters		YES	23	NO
			(100 (100 ft))								
		791									
						5					

If the answer to (a) or (b) above is Yes, attach as Exhibit No. ______, a full disclosure concerning the persons and matters involved, identifying the court or administrative body and the proceeding (by dates and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, and disposition or current status of the matter.

8. Are there any documents, instruments, contracts, or understandings relating to ownership or future ownership rights (including, but not limited to, non-voting stock interests, beneficial stock ownership interest) or control?

If Yes, provide particulars as Exhibit No. _____.

7. Do documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission [pursuant to 47 U.S.C. 310(d)] will be obtained?

If No. attach as Exhibit No. ____, a full explanation.

Se	ction	Financial Qualifications				
-	t.					
No	te If	this application is for a change in an operating facility, DO NOT fill out this section.				
•						
1		is application contingent upon receipt of a grant from the National Telecommunications and reaction Administration?		YES	X	ИО
2	bud	is application contingent upon receipt of a grant from a charitable organization, the approval of the get of a school or university, or an appropriation from a state, county, municipality or other political division?		YES	Ø	NO
NO	OTE:	If either 1 or 2 is answered "Yes", your application cannot be granted until all of the necessary funds are committee case of grants from the National Telecommunications and Information Administration no further action on you rely on funds from a source specified in Question 2, you must advise the F.C.C. when the funds are committee should be accomplished by letter amendment to your application, in triplicate, signed in the same manner as the clearly identifying the application to be amended.	ur part is ed or app	require propria	d. If	f you This
3.	Exce	ept as indicated in Questions Numbered 1 and 2 above, the applicant certifies that:				
	(a)	It has a reasonable assurance of present commitments from each donor, from each party agreeing to furnish capital, from each bank, financial institution or others agreeing to lend funds, and from each equipment supplier agreeing to extend credit:	×	YES		NO
	(b)	It can and will meet all contractual requirements as to collateral, guarantees, and capital investments or donations:	×	YES		NO
	(c)	It has determined that a reasonable assurance exists that all such sources (excluding banks, financial institutions, and equipment manufacturers) have sufficient net liquid assets to meet these commitments.	⊠	YES	0	NO
4		applicant certifies, except as noted above, that sufficient net liquid assets are on hand or available from mitted sources to construct and operate the requested facilities for three months without additional funds.	図	YES		NO
	¥	± 1				
Se	ection	IV Program Service Statement				
Fo	or AM,	FM and TV Applications				
At	tach a	is Exhibit No. ${}^{!!}\underline{A}{}^{!!}$, the applicant's purpose and objective in establishing the proposed station and a stateme	nt of pro	posed	prog	gram

policies. If applicant already has such information on file, indicate file number and detail changes, if any.

FCC 340 - Page 5 May 1985

	Purpose of authoriz	ation applied	for:							
	Construct a nev	v station	*		☐ install #	Auxiliary system	n		2 €3	
	Change:	☐ Effective	radiated	power			☐ Fred	quency		
		☐ Antenna	height at	oove average terrain	d d		.^ □ Tran	nsmitter loca	ation	
		☐ Studio le	ocation ou	utside community of Ii	cense					
		Other (5	Summarize	s briefly the nature of	the change	s proposed.)				
2.	Community of licen	se:		State California	(g) (d)	_	City or Fire	Town ebaugh		
1.	Facilities requested	:		Frequency	Channel f	No.	CI	ass (Check	one below)	
				103.1 MHz	276-2	<u> </u>	A C	□ B □ C1	□ B1 □ C2	
١.	Geographic coording	nates of anter	nna (to ne	arest second)			0 6 1 8			
	North Latitude	36	47	30 "	West L	ongitude	120	30	00 "	
j.	Effective radiated p	ower:								
	Polarization Horizontal			Horizontal Plane	kW	* 10 -	NOT	USED	lt only)	
	Vertical		3 -7-7-3-3	3.Ø	kW		NOT	USED	kW	
3.	Height in meters of	antenna radi	ation cen	ter:			183			
				Above Average terrain (HAA	<u>.T)</u>	Above Mean Sea Le	vel	Above Ground		
	Horizontal			100	meters	167.6	. meters	103.	6 meters	
	Vertical			100	meters	167.6	meters	103.	6 meters	

If Yes, attach as Exhibit No. ____ an engineering statement with all data specified in Section 73.316(d) of the Commission's Rules.

15. Tabulation of Terrain Data. (Calculated in accordance with the procedure prescribed in Section 73.313 of the Commission's Rules utilizing 7.5 minute topographic maps, if available.)

Radial bearing (degrees true)	Height of antenna, radiation center above average elevation of radial (3-16 kilometers)	To the 1 mV/m contour 60 dBu	70 Dbu
0°	Meters 117.3	Kilometers 26.2	14.8
45°	113.7	25.8	14.6
90°	107.Ø	25.1	14.2
180° 225°	$\frac{81.3}{71.3}$	22.0	12.3
270°	88.4	22.9	12.9
315°	100.2		

Allocation Studies (See Subpart C of Part 73 of the Commission's Rules and Regulations)

16	Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexic	:0?

☐ Yes ■ N

If Yes, attach as Exhibit No and a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

7 With regard to stations within 320 kilometers (199 miles) of the common border between the United States and Mexico, attach as Exhibit No E-3 information required in 1/

If the proposed operation is for a channel in the range from channel 201 through 220 (88.1 through 91.9 MHz), then with regard to stations more than 320 kilometers (199 miles) from the common border between the United States and Mexico or if this proposed operation is for a class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as Exhibit No. ____a complete allocation study to establish the lack of prohibited overlap of contours involving these stations. The allocation study should include the following:

DOES NOT APPLY

(a) The normally protected interference-free and the interfering contours for the proposed operation along all azimuths.

(b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused.

att to hand we stomet or Hand of

(c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received.

(d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference.

(e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities.

(f) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof.

(g) A scale of miles and properly labeled longitude and latitude lines, shown across the entire (Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.

(h) The name of the map(s) used in the exhibit(s).

A showing that the proposed operation meets the minimum distance separation requirements. If any separations are proposed that are less than the applicable minimum separation requirements plus 15 kilometers, include these stations. Also include existing stations, proposed stations, and cities which appear in the Table of Assignments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna location.

FCC 340 - Page 12

Control of the Contro								
Name of Applicant	Ca	II Sign	Station	Location				
Central Valley Educational	Servic	es, Inc	. Fi	rebaug	h, Cali	fornia		1
Central variey Educational								7 3/1
Purpose of Application (Put "X" in appropriate bo	x)	Facili	ties Reques	ted FM C	HANNEL O METER	2/0-A,	103.	· IL 171
New antenna construction		STNC	T.F BAV	CTRCII	LARLY P	OLARIZ	ED F	AN
Alteration of existing antenna structure					PROPOSE			
Change in location		OIDI	, 1100111					
			- W 100					
. Location of Antenna: State		County	City	or Town				
State		(15) 	2.5		***			
CALIFORNIA		RESNO		REBUAG				
Exact antenna location (street address). If ou INTERSECTION OF ASHLAN A 9.6 KM (6 MILES) SOUTHWE	ntside city lim ND DOUG ST OF F	its give name of LAS AVEN IREBAUGH	of nearest to NUES, I, CA.	wn and dista	nce and direc	tion of anter	nna from	town.
Geographical coordinates (to nearest secon	d). For direc	tional antenna	give coordi	nates of cer	nter of array.	For single ve	ertical ra	diator
give tower location.								
					, , , 0	20		
North Latitude 36 47	30	We	est Longitud	10	120	30	0.0	
								1
Is the proposed site the same transmitter-a specified in another application pending be			s authorized	by the Cor	mmission or		YES E	NO
If Yes, give call sign:	(
Has the FAA been notified of proposed cor If Yes, give date and office where notice wo Oct. 13, 1988, LOS ANG List all landing areas within 5 miles of anten	ELES AR				boundary of e		YES C	
antenna site.						•		
Landing Area		Distance						0
NONE		B10141.100			Di	rection		1
(a)								
(b)			 ,					
(c)								
Attach as Exhibit No. $\frac{E-5}{}$ a description tional antenna, give spacing and orientation		na system, inci	luding whet	her tower(s)	are self-supp	orting or gu	yed. If a	direc-
Tower		#1	#2	#3	#4	#5	#	6
	motore	1.05						
Overall height above ground (include	meters	107 M						
obstruction lighting)	feet	351 t						
		351 '					-	
Overall height above mean sea level	meters	171 M	,				1	
(include obstruction lighting)	fact	1			 		1-	
	feet	561 '		I	i		1.	

Antenna and Site Information

Section V-G

Section VI	EQUAL EMPLOYMENT OPPORTUN	IITY PROGRAM	
1. Does the applicant prope	ose to employ five or more full time employees?		Yes X No
If Yes, the applicant mus	t include an EEO program called for in the separate N	dodel EEO Program (FCC 396-A).	
Section VII	CERTIFICATIONS		
Has or will the applicant Rules?	comply with the public notice requirement of Section	on 73.3580 of the Commission's	X Yes No
	able assurance, in good faith, that the site or structu ts transmitting antenna, will be available to the appli		X Yes No Exhibit No.
If No, attach as an Exhib	oit, a full explanation.	£	
	is not based on applicant's ownership of the proposed such reasonable assurance by contacting the own		
	•		
George Sul		(714) 669-1963 Telephone No. (Include are	es code)
Person contested: /	check one box below)	,	,
Owner	X Owner's Agent Other (specify)		
P			
(In	rda 1007	October 14, 1	988
Applicant's Signature		Date	
	ss, President Valley Educational		

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Services, Inc.

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

	THE RESIDENCE OF CONTRACT OF CONTRACT CONTRACTOR CONTRA						-
1	Does the applicant propose to emp	ploy five or more fulltime employee	es?		YES	Ø	NO
* 1 = 15	If the answer is Yes, the applicant m	ust include an EEO program called for	for in the separate 5 Point Model EEO Progr	am [FC	C Form	n 396	(A)].
Section	n VII	Certification					
1.	Has or will the applicant comply w Commission's Rules?	rith the public notice requirement o	of Section 73,3580 of the	⊠	YES		NO
		whether by license or otherwise, a	or frequency as against the regulatory pow and requests an authorization in accordan				100
lions,	그림	at all the statements made in this app part hereof and are incorporated t	olication and attached exhibits are consider herein.	ed mat	erial re	pres	enta-
other	The APPLICANT represents that the application with which it may be in		rpose of impeding, obstructing, or delaying	g deter	minati	on or	nany
throu		f the Commission's Rules, the APP and significant changes in inform	PLICANT has a continuing obligation to a station furnished.	idvise t	he Gor	mmis	sion,
•	WILLFUL FALSE STATEN	MENTS MADE ON THIS FORM ARI U.S. CODE, TITLE 18, S	E PUNISHABLE BY FINE AND IMPRISO Section 1001.	ŅМЕN	т.		
good		application are true, complete, and	f correct to the best of my knowledge and	belief,	and ar	re ma	de in
Signe	d and dated this <u>14th</u> Central Valley Educ Services, Inc.	day ofOctober cational	19 88 Coc	71			
	Name of Applica	TIT	inda Ross Signature cesident/Secretary				
							E

Equal Employment Opportunity Program

Section VI

AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested Permit.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT A

The applicant's purpose and objective in establishing the propose FM station at Firebaugh, California, is to build and operate an FM station that will be used to train and educate people interested in getting into the communications field who are unable to enter broadcasting elsewhere. The applicant will make such training and education available to females, minorities, and disadvantaged people who desire to get into the communications field but who do not have the opportunity to do so. The applicant also plans to provide programming that will be beneficial to the Firebaugh, California, area including programming of an educational nature.

The applicant's programming policies will conform to all commission rules and requirements. Furthermore, the applicant will provide programming that will be responsive to the needs of the Firebaugh, California, area, and will include public affairs, community issues discussion, and news. The applicant will also provide programming that will be responsive to the needs of females and minorities in the local area.

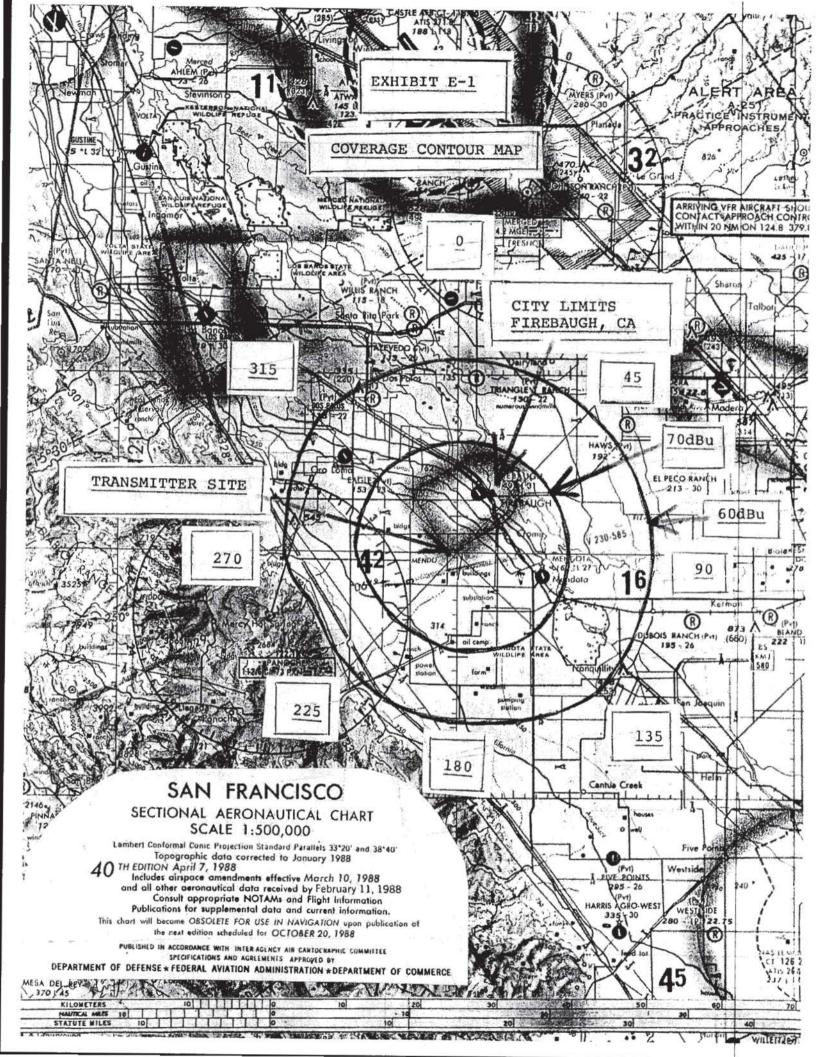


EXHIBIT E-3

FM SPACING STUDY

TITLE: FIREBAUGH, CA CHANNEL 276A (103.1 MHZ) DATABASE: DW 10/11/88	LATITUDE: 36-47-30 LONGITUDE: 120-30-00 SAFETY ZONE: 26 KM
CITY OF LICENSE ST FCC FILE NO.	CHAN ERP-KW LATITUDE BR-TO DIST. REQ. FREQ EAH-N LONGITUDE -FROM (KM) (KM)
KSJO LIC NARRAGANSETT BCG CO OF C	222B 50 37-12-33 292.7 122.6 16 92.3 142 121-46-30 111.9 106.6 CLEAR
ATWATER CA 871207MA AMENDED 07/06/88	223A 3 . 37-16-26 352.8 53.94 8 92.5 100 120-34-35 172.8 45.94 CLEAR
KDON-FM LIC HENRY BCG CO SALINAS CA AAS KDON 05/14/86	273B 18.5 36-45-20 267.7 89.37 69 102.5 692 121-30-00 87.1 20.37 CLEAR
KDON-FM CP HENRY BCG CO SALINAS CA BPH-860813IC CP GRANTED 03/12/87	273B 18.5 36-45-23 267.8 89.49 69 102.5 692 121-30-05 87.2 20.49 CLEAR
KTHT LIC KUSO BCG FRESNO CA KTHT SET ASIDE; WAS KKNU 04/01/88	274B 50 36-49-07 87.8 88.47 69 102.7 152 119-30-33 268.4 19.47 CLEAR
KXEM-FM CP CABALLERO SPANISH MEDIA MCFARLAND CA BPH-8607070G DELETION PROPUSED: CP GRANTED 12/14/87;	275A 3 35-38-40 138.7 168.7 64 102.9 100 119-16-08 319.5 104.7 CLEAR CALL GRANTED 02/24/88
ALLUC SITE RESTRICTION 4.5 MI FIREHAUGH CA DOC-84-231 FILING WINDOW 05/12-06/16/88	276A 36-47-42 81.0 2.361 105 103.1 120-28-26 261.0 -103 SHORT
NO STO CA	277B 150 37-34-30 319.3 115.3 105 103.3 182 121-21-13 139.8 10.34 CLOSE
SA: A CLARA CARA COLLEGE	277D .030 37-20-53 296.3 142.2 103.3 121-56-25 115.4
NE APP CATHERINE UDA GRUDZINS : SEA IDE CA 880701MK	278A 3 36-37-18 261.4 121.1 27 103.5 1 121-50-19 80.6 94.09 CLEAR
KM X LIC KMGX CORPORATION HANFORD CA BLH-7232	279B 50 36-33-36 111.0 71.34 69 103.7 152 119-45-20 291.4 2.340 CLOSE

>> END OF CHANNEL 276A STUDY <<

FM SPACING STUDY

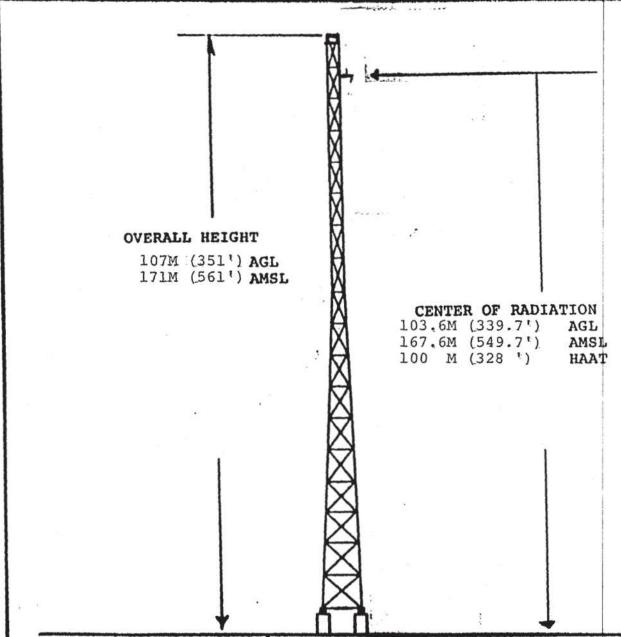
TITLE: FIREBAUGH, CA CHANNEL 276A (103.1 MHZ) DATABASE: FCC 08/26/88	1224	LATITUDE: 36-47-30 LONGITUDE: 120-30-00 SAFETY ZONE: 26 KM
CALL AUTH LICENSEE NAME CH CITY OF LICENSE ST FCC FILE NO. FR	EQ EAH-M LONGITU	DE'-FROM (KM) (KM)
KSJU LIC NARRAGANSETT B/CTING CO. 22 SAN JOSE CA BLH-870424KB 9	2B 50 37-12- 2.3 142 121-46-	33 292.7 122.6 16 30 111.9 106.6 CLEAR
NEW APP GREGORY 8. GENETTI 22 ATWATER CA 871207MA 9 UNTIMELY FILED-AMENDED 880706		26 352.8 53.94 8 35 172.8 45.94 CLEAR
KDON-FM LIC HENRY BROADCASTING COMPA 27 SALINAS CA BLH-7487 10 GF NDFATHERED AT 18.5KW 9 692M HAA		
KDON-FM CP HENRY BROADCASTING COMPA 27 SALINAS CA BPH-860813IC 10 EQUIVALENT TO GRANDFATHERED LICENS	2.5 692 121-30-	05 87.2 20.49 CLEAR
KTHT LIC KUSU BRUADCASTING 27 FRESNU CA HLH-6507 10	4B 50 36-49- 2.7 152 119-30-	07 87.8 88.47 69 33 268.4 19.47 CLEAR
ALLOCO 27 MCFAPLAND CA DUC-84-231 10 13: FILING WINDOW 06/06-07/07/86	5A 35-40- 2.9 119-13-	42 137.0 168.3 64 42 317.7 104.3 CLEAR
ALLUC 27 FIREHAUGH CA DUC-84-231 10 66 - SITF RESTRICTED; FILING WINDOW 05/	6A 36-47- 3.1 120-28- 12-06/16/88	42 81.0 2.361 105 26 261.0 -103 SHORT
EE-FM LIC PRICE BROADCASTING COMPA 27 MODESTO CA BLH-840418DD 10 GRANDFATHERED AT 50KW 0 152M HAAT		
SANTA CLARA CA BLED-821108AX 10	3.3 121-56-	
SEASIDE CA 880701MK 10	3.5 100 121-50-	18 261.4 121.1 27 19 80.6 94.09 CLEAR
HANFUPD CA BMLH-870921KH 10		36 111.0:71.34 69 20 291.4 2.340 CLOSE

>> END OF CHANNEL 276A STUDY <<

EXHIBIT E-4

ENVIRONMENTAL IMPACT STATEMENT

The proposed tower will be located in a rural, non-populated area. There are no residences, businesses, or population within the blanketing contour area. Outside of the blanketing contour area, the area where the tower will be located is also non-populated and is composed of rural farmlands. The proposed tower will be 351' tall and will be located on privately owned land more than 6 miles from any airport or national park. The area where the tower is proposed has not been involved in any environmental controversies or disputes.



SITE ELEVATION 64 M (210') AMSL
351' SELF SUPPORTED STEEL TOWER AND TRANSMITTER BUILDING,
TO BE CONSTRUCTED. PAINTED AND LIGHTED AS REQUIRED.
SINGLE BAY CIRCULARLY POLARIZED FM ANTENNA TO BE SIDE MOUNTED
ON TOWER, CENTERED AT THE 103.6 METER (339.7') LEVEL OF TOWER.

NOT DRAWN TO SCALE

GEOGRAPHIC COORDINATES

36 - 47 - 30 X 120 - 30 00

FIREBAUGH, CALIFORNIA FM CHANNEL 276-A 103.1 MHZ - 3 KW ERP + 328' HAAT EXHIBIT E - 5
VERTICAL PLAN SKETCH OF TOWER

NOT DRAWN TO SCALE

10/13/88

CERTIFICATE OF SERVICE

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 12th day of May, 2015, sent copies of the foregoing "ENFORCEMENT BUREAU'S COMMENTS PURSUANT TO *ORDER*, FCC 15M-11" to:

The Honorable Richard L. Sippel Chief Adminstrative Law Judge Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 (by hand, courtesy copy)

William Zawila, Esq. 12600 Brookhurst Street, Suite105 Garden Grove, CA 92804-4833 (by first-class mail)

Michael Couzens 6536 Telegraph Avenue Suite B201 Oakland, CA 94609 (by email to cuz@well.com)

Alicia McCannon